

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIAM MISIEWICZ,

Plaintiff,

vs.

LARRY TREADWELL, *et al.*,

Defendants.

2:13-cv-01055-JCM-NJK

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted a complaint and seeks leave to proceed *in forma pauperis*. (ECF No. 1). This matter has not been properly commenced because plaintiff submitted incomplete financial paperwork. First, plaintiff has failed to use the proper form for filing an *in forma pauperis* application in this court. Second, under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, plaintiff must attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has failed to submit an inmate account statement for the past six months; instead, he has submitted an inmate account statement for only the past month. (ECF No. 1-1, at p. 4). Without the complete printout showing daily account activity over the full six-month period, the court is unable to assess whether the current balance on the financial certificate is representative of petitioner's ability to pay. The court is unable to see, *inter alia*, the regularity and

1 amount of any incoming funds as well as the extent to which petitioner is making discretionary
2 expenditures that instead could be applied to payment of the filing fee. Finally, plaintiff has failed to
3 submit a proper financial certificate signed by an authorized prison official. The court will direct the
4 clerk to send plaintiff the proper forms so that he may re-file an action with the proper forms and the
5 required documents.

6 **IT THEREFORE IS ORDERED** that the application (ECF No. 1) to proceed *in forma*
7 *pauperis* is **DENIED** and that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of
8 a new complaint in a new action with a properly completed pauper application with all new and
9 complete financial attachments in compliance with 28 U.S.C. § 1915(a).

10 **IT FURTHER IS ORDERED** that all pending motions are **DENIED**.

11 **IT FURTHER IS ORDERED** that the clerk of the court shall send plaintiff two copies of an
12 *in forma pauperis* application form for a prisoner, one copy of the instructions for same, two copies
13 of a blank 42 U.S.C. § 1983 prisoner civil rights form, and one copy of instructions for the same.
14 The clerk shall also send plaintiff a copy of the complaint and all documents submitted in this action,
15 at ECF No. 1.

16 **IT IS FURTHER ORDERED** that plaintiff may file a new complaint and *in forma pauperis*
17 application in a new action, but he may not file further documents in this action.

18 **IT IS FURTHER ORDERED** that the clerk of the court shall enter judgment accordingly.

19 **IT IS FURTHER ORDERED** that this court **CERTIFIES** that any *in forma pauperis*
20 appeal from this order would **not** be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3).

21 Dated this 18th day of June, 2013.

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24 UNITED STATES DISTRICT JUDGE
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